

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CITY OF ALMATY, KAZAKHSTAN and BTA
BANK JSC,

Crossclaim Plaintiffs,

- against -

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Crossclaim Defendants.

ECF Case

No. 1:15-cv-05345 (AJN) (KHP)

**DECLARATION OF DEBORAH A. SKAKEL IN SUPPORT OF
TRIADOU'S MOTION FOR SUMMARY JUDGMENT**

I, DEBORAH A. SKAKEL, declares as follows:

1. I am a partner at Blank Rome LLP, counsel for Triadou SPV S.A. ("Triadou"), and submit this Declaration in support of Triadou's motion for summary judgment as to all remaining claims by the City of Almaty, Kazakhstan and BTA Bank JSC (together, "Almaty/BTA").
2. Attached hereto as Appendix A is a summary chart listing the Tradestock Loan Component repayments, as referenced in Triadou's Local Civil Rule 56.1 Statement of Undisputed Material Facts and its Memorandum of Law in Support of its Motion for Summary Judgment.
3. Attached hereto as Exhibit 1 is a true and correct copy of a BTA Press Release, dated July 4, 2014, *available at* <http://bta.kz/en/press/news/2014/07/04/824/>.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the first day of the deposition of Mukhtar Ablyazov, which was conducted in this matter on October 30, 2018.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the second day of the deposition of Mukhtar Ablyazov, which was conducted in this matter on October 31, 2018.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the first day of the deposition of Ilyas Khrapunov, which was conducted in this matter on February 1, 2018 (together with the second day, conducted on February 2, 2018, the “Ilyas Khrapunov Deposition”).

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Viktor Khrapunov, which was conducted in this matter on January 30, 2018.¹

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of Triadou, given by its corporate representative, Cesare Cerrito, which was conducted in this matter on March 9-10, 2017 (the “Triadou 30(b)(6) Deposition”).

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the first day of the deposition of Frank Monstrey, which was conducted in this matter on July 17, 2018 (together with the second day, conducted on December 12, 2018, the “Monstrey Deposition”).

10. Attached hereto as Exhibit 8 is a true and correct copy of a BTA Press Release, dated December 20, 2004, *available at* <http://bta.kz/en/press/news/2004/12/20/342/>.

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition of Kairat Sadykov, which was conducted in this matter on September 19, 2019 (the “Sadykov Deposition”).

12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition of Zaure Junussova, which was conducted in this matter on September 18, 2019 (the “Junussova Deposition”).

¹ Triadou did not receive a single-paginated copy of Viktor Khrapunov’s January 30, 2018 transcript, so we have included pages from the minu-script version.

13. Attached hereto as Exhibit 11 is a true and correct copy of a document marked as FM 1 during the Monstrey Deposition.

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the second day of the deposition of Frank Monstrey, which was conducted in this matter on December 12, 2018.

15. Attached hereto as Exhibit 13 is a true and correct copy of a document marked as FM 3 during the Monstrey Deposition.

16. Attached hereto as Exhibit 14 is a true and correct copy of documents previously produced in this action, Bates stamped Almaty-BTA0078932, together with an English translation of the same, Bates stamped Almaty-BTA0078933. Exhibit 14 is cited as PX 246/PX 246T in the Junussova Deposition and the deposition of Akzhan Moldakhmet. Attached hereto as Exhibit 14A is a true and correct color copy of the English translation (PX 246T), which was marked as Dubinsky 9 during the deposition of Bruce Dubinsky, which was conducted in this matter on August 21, 2019 (the “Dubinsky Deposition”). The latter version is included at Exhibit 14A because it is a color version that may be easier for the Court to evaluate.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the deposition of Akzhan Moldakhmet, which was conducted in this matter on September 19, 2019 (the “Moldakhmet Deposition”).²

18. Attached hereto as Exhibit 16 is a copy of a document previously produced in this action, Bates stamped Almaty-BTA0109498-99.

19. Attached hereto as Exhibit 17 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0114139-40, together with an English

² The transcript cover incorrectly spells Ms. Moldakhmet’s first name, but she confirmed the proper spelling during her deposition.

translation of the same, Bates stamped Almaty-BTA0114141-42, and collectively marked as DX 75 during the Junussova Deposition.

20. Attached hereto as Exhibit 18 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0114594-96, together with an English translation of the same, Bates stamped Almaty-BTA00114597-601.

21. Attached hereto as Exhibit 19 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0230861.

22. Attached hereto as Exhibit 20 is a true and correct copy of documents previously produced in this action, Bates stamped Almaty-BTA0080199 and cited as PX 240 during the Moldakhmet Deposition.

23. Attached hereto as Exhibit 21 is a true and correct copy of documents previously produced in this action, Bates stamped Almaty-BTA0077421 and Almaty-BTA0077423 (parent email and attachment) and marked as PX 244 during the Junussova Deposition, together with an English translation of the same, Bates stamped Almaty-BTA007424 and marked as PX 244T. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account numbers included in the document have been redacted, except for the last four digits.

24. Exhibits 22A through 22C are files included in PX 247, which Plaintiffs introduced as a group of files during the depositions of former BTA employees in Kazakhstan in September 2019. While PX 247 includes several files, Triadou attaches here only the Tracking Spreadsheets included in PX 247 that relate to Triadou's motion for summary judgment. For the Court's convenience, Triadou has therefore separated each individual file it cites from PX 247 as Exhibits 22A, 22B, and 22C, respectively.

25. Attached hereto as Exhibit 22A is a true and correct copy of a Tracking Spreadsheet included in PX 247 and previously produced in this action, Bates stamped Almaty-BTA 0080321.

26. Attached hereto as Exhibit 22B is a true and correct copy of a Tracking Spreadsheet included in PX 247 and previously produced in this action, Bates stamped, Almaty-BTA0086684.

27. Attached hereto as Exhibit 22C is a true and correct copy of a Tracking Spreadsheet included in PX 247 and previously produced in this action, Bates stamped Almaty-BTA0086682.

28. Attached hereto as Exhibit 23 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0230862-89. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

29. Attached hereto as Exhibit 24 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0080322. Exhibit 24 is an English translation of Exhibit 22A.

30. Attached hereto as Exhibit 25 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0082043-46. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

31. Attached hereto as Exhibit 26 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0082061-74.

32. Attached hereto as Exhibit 27 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0082086-96. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

33. Attached hereto as Exhibit 28 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0086685. Exhibit 28 is an English translation of Exhibit 22B.

34. Attached hereto as Exhibit 29 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0230922-52. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

35. Attached hereto as Exhibit 30 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0109452-55 and marked as Dubinsky 7 during the Dubinsky Deposition.

36. Attached hereto as Exhibit 31 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0086683. Exhibit 31 is an English translation of Exhibit 22C.

37. Attached hereto as Exhibit 32 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0393480.

38. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from the Twelfth Witness Statement of Mukhtar Ablyazov from BTA's U.K. proceedings. The complete version is *available at* http://en.mukhtarablyazov.org/i/download/41/witness-statements-ablyazov_1.pdf?download.

39. Attached hereto as Exhibit 34 is a true and correct copy of a BTA Press Release, dated May 20, 2005, *available at* <http://bta.kz/en/press/news/2005/05/20/335/>.

40. Attached hereto as Exhibit 35 is a true and correct copy of an article published by The Diplomat on October 30, 2018, *available at* <https://thediplomat.com/2018/10/who-will-run-post-nazarbayev-kazakhstan/>.

41. Attached hereto as Exhibit 36 is a true and correct copy of a document marked as FM 5 during the Monstrey Deposition.

42. Attached hereto as Exhibit 37 is a true and correct copy of a document previously produced in this action, Bates stamped FM-1389.

43. Attached hereto as Exhibit 38 is a true and correct copy of a document marked as FM 6 during the Monstrey Deposition.

44. Attached hereto as Exhibit 39 is a true and correct copy of a document previously produced in this action, Bates stamped PETELIN001361-62 and cited as PX 210 during the deposition of Gennady Petelin (the “Petelin Deposition”) and the Monstrey Deposition.

45. Attached hereto as Exhibit 40 is a true and correct copy of excerpts from a document previously produced in this action, Bates stamped Almaty-BTA0249496-586. Pursuant to Rule 4.A of this Court’s Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

46. Attached hereto as Exhibit 41 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0249409-14.

47. Attached hereto as Exhibit 42 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0249438-47.

48. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from a document previously produced in this action, Bates stamped Almaty-BTA0235388-738. Pursuant to Rule 4.A of this Court’s Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

49. Attached hereto as Exhibit 44 is a true and correct copy of a document marked as FM 10 during the Monstrey Deposition.

50. Attached hereto as Exhibit 45 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0249197 and marked as FM 11 during the Monstrey Deposition.

51. Attached hereto as Exhibit 46 is a true and correct copy of a document marked as FM 2 during the Monstrey Deposition.

52. Attached hereto as Exhibit 47 is a true and correct copy of excerpts from a document previously produced in this action, Bates stamped Almaty-BTA0241816-2021.

53. Attached hereto as Exhibit 48 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0237741 and marked as PX 211 during the Petelin Deposition.

54. Attached hereto as Exhibit 49 is a true and correct copy of excerpts from the deposition of Gennady Petelin, which was conducted in this matter on August 21-22, 2018.

55. Attached hereto as Exhibit 50 is a true and correct copy of documents previously produced in this action, Bates stamped TRIA0006145-79.

56. Attached hereto as Exhibit 51 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0004325.

57. Attached hereto as Exhibit 52 is a true and correct copy of excerpts from the second day of the deposition of Ilyas Khrapunov, which was conducted in this matter on February 2, 2018.

58. Attached hereto as Exhibit 53 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0009220-25.

59. Attached hereto as Exhibit 54 is a true and correct copy of the Affidavit of Cesare Cerrito, dated May 11, 2016 (the “Cerrito Declaration”). A copy of Exhibit 54 was publicly filed as ECF 156.

60. Attached hereto as Exhibit 55 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0003329-43.

61. Attached hereto as Exhibit 56 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0009031-32.

62. Attached hereto as Exhibit 57 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0008304-30.

63. Attached hereto as Exhibit 58 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0009380-81 and marked as PX 95 during the deposition of Marc Gillieron (the “Gillieron Deposition”), together with a certified English translation of the same. The certified translation was not used during the deposition.

64. Attached hereto as Exhibit 59 is a true and correct copy of excerpts from the deposition of Marc Gillieron, which was conducted in this matter on October 3, 2017.

65. Attached hereto as Exhibit 60 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0010421-28 and marked as I. Khrapunov 1 during the Ilyas Khrapunov Deposition. Pursuant to Rule 4.A of this Court’s Individual Practices in Civil Cases, the street address included in the document has been redacted.

66. Attached hereto as Exhibit 61 is a true and correct copy of excerpts from the transcript of a hearing conducted on September 12, 2019 before the Hon. Katharine H. Parker.

67. Attached hereto as Exhibit 62 is a true and correct copy of excerpts from the deposition of Nicolas Bourg, which was conducted in this matter on September 11, 2017 (together with the second day, conducted on September 12, 2017, the “Bourg Deposition”).

68. Attached hereto as Exhibit 63 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0127205-10 and marked as Bourg 8 during the Bourg Deposition.

69. Attached hereto as Exhibit 64 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0152086-98 and marked as Bourg 15 during the Bourg Deposition. Pursuant to Rule 4.A of this Court’s Individual Practices in Civil Cases, the street addresses and dates of birth included in the document have been redacted.

70. Attached hereto as Exhibit 65 is a true and correct copy of Exhibit 6 to the May 2, 2016 Declaration of Nicolas Bourg. A copy of Exhibit 65 was publicly filed as ECF 142-6.

71. Attached hereto as Exhibit 66 is a true and correct copy of the Declaration of Nicolas Bourg, dated May 2, 2016. A copy of Exhibit 66 was publicly filed as ECF 142.

72. Attached hereto as Exhibit 67 is a true and correct copy of the Reply Declaration of Nicolas Bourg, dated May 14, 2016. A copy of Exhibit 67 was publicly filed as ECF 160.

73. Attached hereto as Exhibit 68 is a true and correct copy of the proffered Expert Report of Bruce G. Dubinsky—an expert disclosed by Almaty/BTA in this matter—dated April 19, 2019.

74. Attached hereto as Exhibit 69 is a true and correct copy of documents previously produced in this action, Bates stamped TRIA0005541-43.

75. Attached hereto as Exhibit 70 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000160-76 and marked as I. Khrapunov 13 during the Ilyas Khrapunov Deposition.

76. Attached hereto as Exhibit 71 is a true and correct copy of Exhibit 8 to the May 2, 2016 Bourg Declaration. A copy of Exhibit 71 was publicly filed as ECF 142-8.

77. Attached hereto as Exhibit 72 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0013367.

78. Attached hereto as Exhibit 73 is a true and correct copy of excerpts from the deposition of Phillip Glatz, which was conducted in this matter on September 27-28, 2017 (the “Glatz Deposition”).

79. Attached hereto as Exhibit 74 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0152108-12, and marked as Chetrit 31 during the May 25, 2017 Deposition of Joseph Chetrit (the “Chetrit Deposition”).

80. Attached hereto as Exhibit 75 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011244-49.

81. Attached hereto as Exhibit 76 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0127342-72. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street address and date of birth included in the document have been redacted.

82. Attached hereto as Exhibit 77 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012943-49.

83. Attached hereto as Exhibit 78 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0010584-89.

84. Attached hereto as Exhibit 79 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0010617-20.

85. Attached hereto as Exhibit 80 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000207-08, and marked as I. Khrapunov 3 during the Ilyas Khrapunov Deposition, together with a certified English translation of the same. The certified English translation was not used during the deposition.

86. Attached hereto as Exhibit 81 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012127-30, and marked as I. Khrapunov 4 during the Ilyas Khrapunov Deposition.

87. Attached hereto as Exhibit 82 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0000100-63, and marked as PX 20 during the Triadou 30(b)(6) Deposition.

88. Attached hereto as Exhibit 83 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000177-80, and marked as PX 51 during the Glatz Deposition.

89. Attached hereto as Exhibit 84 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012364-65, together with a certified English translation of the same.

90. Attached hereto as Exhibit 85 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012224-25, together with a certified English translation of the same.

91. Attached hereto as Exhibit 86 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012527-30, together with a certified English translation of the same.

92. Attached hereto as Exhibit 87 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000185, and marked as PX 52 during the Glatz Deposition, together with a certified English translation of the same. The certified translation was not used during the deposition.

93. Attached hereto as Exhibit 88 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000063-65, and marked as I. Khrapunov 6 during the Ilyas Khrapunov Deposition, together with a certified English translation of the same. The certified translation was not used during the deposition.

94. Attached hereto as Exhibit 89 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000206, and marked as PX 54 during the Glatz Deposition, together with a certified English translation of the same. The certified translation was not used during the deposition.

95. Attached hereto as Exhibit 90 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000186-205, and marked as I. Khrapunov 7 during the Ilyas Khrapunov Deposition, together with a certified English translation of the same. The certified translation was not used during the deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street addresses and dates of birth included in the document have been redacted.

96. Attached hereto as Exhibit 91 is a true and correct copy of documents previously produced in this action, Bates stamped TRIA0012367-69, together with a certified English translation of the same. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street addresses and dates of birth included in the document have been redacted.

97. Attached hereto as Exhibit 92 is a true and correct copy of the First Amended Complaint filed in the action captioned *City of Almaty, Kazakhstan v. Sater, et al.*, 1:19-cv-02645 (AJN) (KHP) (S.D.N.Y. 2019) at Docket No. 120 in that action.

98. Attached hereto as Exhibit 93 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012990.

99. Attached hereto as Exhibit 94 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000211, and marked as PX 57 during the Glatz Deposition.

100. Attached hereto as Exhibit 95 is a true and correct copy of a document previously produced in this action, Bates stamped KHRAPUNOV0000210, and marked as PX 58 during the Glatz Deposition.

101. Attached hereto as Exhibit 96 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012991-98.

102. Attached hereto as Exhibit 97 is a true and correct copy of documents previously produced in this action, Bates stamped TRIA0012969-71, together with a certified English translation of the same. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street addresses and dates of birth included in the document have been redacted.

103. Attached hereto as Exhibit 98 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0005840-45.

104. Attached hereto as Exhibit 99 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0005836-39.

105. Attached hereto as Exhibit 100 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0005763-66.

106. Attached hereto as Exhibit 101 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0009575-79.

107. Attached hereto as Exhibit 102 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011286-91.

108. Attached hereto as Exhibit 103 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011303-05.

109. Attached hereto as Exhibit 104 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011420-23.

110. Attached hereto as Exhibit 105 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0243661, and marked as I. Khrapunov 11 during the Ilyas Khrapunov Deposition.

111. Attached hereto as Exhibit 106 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0006993, and marked as I. Khrapunov 8 during the Ilyas Khrapunov Deposition, together with a certified English translation of the same.

112. Attached hereto as Exhibit 107 is a true and correct copy of excerpts from a document previously produced in this action, Bates stamped Almaty-BTA0232469-552, and marked as Bourg 13 during the Bourg Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street address, date of birth, and passport number included in the document have been redacted.

113. Attached hereto as Exhibit 108 is a true and correct copy of excerpts from the second day of the deposition of Nicolas Bourg, which was conducted in this matter on September 12, 2017.

114. Attached hereto as Exhibit 109 is a true and correct copy of excerpts from the second day of the deposition of Viktor Khrapunov, which was conducted in this matter on January 31, 2018.

115. Attached hereto as Exhibit 110 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0004176, and cited as PX 6 during the Triadou 30(b)(6) Deposition, Ilyas Khrapunov Deposition, and Gillieron Deposition.

116. Attached hereto as Exhibit 111 is a true and correct copy of Exhibit 2 to the Cerrito Declaration. A copy of Exhibit 111 was publicly filed as ECF 156-2.

117. Attached hereto as Exhibit 112 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0150297-305, and marked as I. Khrapunov 10 during the Ilyas Khrapunov Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account numbers included in the document have been redacted, except for the last four digits.

118. Attached hereto as Exhibit 113 is a true and correct copy of a document previously produced in this action, Bates stamped PETELIN000156-64. Pursuant to Rule 4.A of this Court's

Individual Practices in Civil Cases, the account numbers included in the document have been redacted, except for the last four digits.

119. Attached hereto as Exhibit 114 is a true and correct copy of excerpts from the deposition of Joseph Chetrit, which was conducted in this matter on May 25, 2017.

120. Attached hereto as Exhibit 115 is a true and correct copy of documents previously produced in this action, Bates stamped CHETRIT00000761-67, and marked as Chetrit 2 during the Chetrit Deposition.

121. Attached hereto as Exhibit 116 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0153432-36, and marked as Chetrit 5 during the Chetrit Deposition.

122. Attached hereto as Exhibit 117 is a true and correct copy of the Affidavit of Matthew Meltsner, dated May 3, 2016. A copy of Exhibit 117 was publicly filed as ECF 158.

123. Attached hereto as Exhibit 118 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0127373, and marked as Bourg 17 during the Bourg Deposition.

124. Attached hereto as Exhibit 119 is a true and correct copy of excerpts from the deposition of Bruce Dubinsky, which was conducted in this matter on August 21, 2019.

125. Attached hereto as Exhibit 120 is a true and correct copy of the Affidavit of Jehoshua Graff, dated May 3, 2016. A copy of Exhibit 120 was publicly filed as ECF 144.

126. Attached hereto as Exhibit 121 is a true and correct copy of Exhibit 15 to the Declaration of Abigail Tudor, dated May 2, 2016 (the “Tudor Declaration”). A copy of Exhibit 121 was publicly filed as ECF 143-1.

127. Attached hereto as Exhibit 122 is a true and correct copy of Exhibit 4 to the May 2, 2016 Bourg Declaration. A copy of Exhibit 122 was publicly filed as ECF 142-4.

128. Attached hereto as Exhibit 123 is a true and correct copy of Exhibit 5 to the May 2, 2016 Bourg Declaration. A copy of Exhibit 123 was publicly filed as ECF 142-5.

129. Attached hereto as Exhibit 124 is a true and correct copy of excerpts from the transcript of a hearing conducted on February 26, 2019 before the Hon. Katharine H. Parker.

130. Attached hereto as Exhibit 125 is a true and correct copy of the City of Almaty and BTA Bank's Disclosure of Affirmative Experts, dated February 15, 2019.

131. Attached hereto as Exhibit 126 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011238-43.

132. Attached hereto as Exhibit 127 is a true and correct copy of a document marked as PX 29 during the Rule 30(b)(6) deposition of Mission Capital. A copy of Exhibit 127 was publicly filed as NYSCEF Doc. No. 1 in the action entitled *Tri-County Mall Investors, LLC v. Sater*, Index No. 654361/2013 (Sup. Ct. N.Y. Cty. 2013).

133. Attached hereto as Exhibit 128 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of Mission Capital, given by its corporate representative, William Sledge, which was conducted in this matter on August 10, 2017.

134. Attached hereto as Exhibit 129 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011817-26 and marked as PX 81 during the Glatz Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street address and account number included in the document have been redacted, except for the last four digits of the account number.

135. Attached hereto as Exhibit 130 is a true and correct copy of excerpts from the second day of the deposition of Felix Sater, which was conducted in this matter on February 5, 2019 (together with the first day, conducted on September 13, 2018, the "Sater Deposition").

136. Attached hereto as Exhibit 131 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0243536-39, and marked as Sater 23 during the Sater Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

137. Attached hereto as Exhibit 132 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0004253-56.

138. Attached hereto as Exhibit 133 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011250-55. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

139. Attached hereto as Exhibit 134 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0011679-80. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

140. Attached hereto as Exhibit 135 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0000185-87.

141. Attached hereto as Exhibit 136 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0004162.

142. Attached hereto as Exhibit 137 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0004164.

143. Attached hereto as Exhibit 138 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0005133.

144. Attached hereto as Exhibit 139 is a true and correct copy of an article published by Syracuse.Com on August 21, 2019, *available at* <https://www.syracuse.com/news/2019/08/syracuse-seizes-ruined-developmental-center-and-47-acres-of-land-for-back-taxes.html>.

145. Attached hereto as Exhibit 140 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0012972-74.

146. Attached hereto as Exhibit 141 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0000188-89, and marked as PX 11 during the Triadou 30(b)(6) Deposition.

147. Attached hereto as Exhibit 142 is a true and correct copy of Exhibit 5 to the Cerrito Declaration. A copy of Exhibit 142 was publicly filed as ECF 156-5.

148. Attached hereto as Exhibit 143 is a true and correct copy of a document previously produced in this action, Bates stamped TRIA0005554-55.

149. Attached hereto as Exhibit 144 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0127697, and marked as Bourg 23 during the Bourg Deposition.

150. Attached hereto as Exhibit 145 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0127764-66, and marked as Chetrit 29 during the Chetrit Deposition.

151. Attached hereto as Exhibit 146 is a true and correct copy of a document marked as Bourg 20 during the Bourg Deposition. A copy of Exhibit 146 was publicly filed as ECF 161-1.

152. Attached hereto as Exhibit 147 is a true and correct copy of Exhibit 16 to the Tudor Declaration. A copy of Exhibit 147 was publicly filed as ECF 143-2.

153. Attached hereto as Exhibit 148 is a true and correct copy of excerpts from the transcript of a hearing conducted on May 19, 2016 before the Hon. Alison J. Nathan.

154. Attached hereto as Exhibit 149 is a true and correct copy of the order and judgment entered in the action captioned *Triadou SPV S.A. v. CF 135 Flat LLC*, Index No. 653462/2014 (Sup. Ct. N.Y. Cty. 2015), NYSCEF Nos. 35, 60.

155. Attached hereto as Exhibit 150 is a true and correct copy of the order and judgment entered in the action captioned *Triadou SPV S.A. v. CF 135 Flat LLC*, Index No. 154681/2015 (Sup. Ct. N.Y. Cty. 2017), NYSCEF No. 83, 89.

156. Attached hereto as Exhibit 151 is a true and correct copy of the order and judgment entered in the action captioned *Triadou SPV S.A. v. CF 135 Flat LLC*, Index No. 650239/2015 (Sup. Ct. N.Y. Cty. 2015), NYSCEF No. 39, 89.

157. Attached hereto as Exhibit 152 is a true and correct copy of the order and judgment entered in the action captioned *Triadou SPV S.A. v. CF 135 Flat LLC*, Index No. 156907/2015 (Sup. Ct. N.Y. Cty. 2017), NYSCEF No. 57, 63.

158. Attached hereto as Exhibit 153 is a true and correct copy of a document previously produced in this action, Bates stamped CHETRIT00000145-47, and marked as Chetrit 34 during the Chetrit Deposition, together with a certified English translation of the same. The certified translation was not used during the deposition.

159. Attached hereto as Exhibit 154 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0127189-91, and marked as Chetrit 36 during the Chetrit Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits

160. Attached hereto as Exhibit 155 is Exhibit 9 to the May 2, 2016 Bourg Declaration. A copy of Exhibit 155 was publicly filed as ECF 142-9.

161. Attached hereto as Exhibit 156 is Exhibit 10 to the May 2, 2016 Bourg Declaration. A copy of Exhibit 156 was publicly filed as ECF 142-10.

162. Attached hereto as Exhibit 157 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0190182-85. A copy of Exhibit 157 was publicly filed as ECF 969-4.

163. Attached hereto as Exhibit 158 is a true and correct copy of excerpts from the transcript of a hearing conducted on July 23, 2018 before the Hon. Katharine H. Parker.

164. Attached hereto as Exhibit 159 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0232029-46, and marked as Bourg 7 during the Bourg Deposition.

165. Attached hereto as Exhibit 160 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA201934-41. A copy of Exhibit 159 was publicly filed as ECF 578-7.

166. Attached hereto as Exhibit 161 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0231186-226, and marked as Bourg 2 during the Bourg Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the account number included in the document has been redacted, except for the last four digits.

167. Attached hereto as Exhibit 162 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0166287-96, and marked as Bourg 11 during the Bourg Deposition.

168. Attached hereto as Exhibit 163 is a true and correct copy of excerpts from a document previously produced in this action, Bates stamped Almaty-BTA0232639-80, and marked as Bourg 14 during the Bourg Deposition. Pursuant to Rule 4.A of this Court's Individual Practices in Civil Cases, the street address, date of birth, and passport number included in the document have been redacted.

169. Attached hereto as Exhibit 164 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0162920-34. A copy of Exhibit 164 was publicly filed as ECF 1204-1.

170. Attached hereto as Exhibit 165 is a true and correct copy of a document previously produced in this action, Bates stamped Almaty-BTA0249803-19. A copy of Exhibit 165 was publicly filed as ECF 1204-2.

171. Attached hereto as Exhibit 166 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of BTA, given by its corporate representative, Nurlan Nurgabylov, which was conducted in this matter on May 3, 2017 (the “BTA 30(b)(6) Deposition”).

172. Attached hereto as Exhibit 167 is a true and correct copy of excerpts from a document marked as Triadou 5 during the BTA 30(b)(6) Deposition. A complete version of Triadou 5 was publicly filed as ECF 108-3.

173. Attached hereto as Exhibit 168 is a true and correct copy of excerpts from a document previously produced in this action, Bates stamped Almaty-BTA0235739-6015. Pursuant to Rule 4.A of this Court’s Individual Practices in Civil Cases, the street addresses and passport number included in the document have been redacted.

174. Attached hereto as Exhibit 169 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of Almaty, given by its corporate representative, Baourzhan Darmanbekov, which was conducted in this matter on May 10, 2017.

175. Attached hereto as Exhibit 170 is a true and correct copy of excerpts from the first day of the deposition of Felix Sater, which was conducted in this matter on September 13, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
July 1, 2020

/s/ Deborah A. Skakel

Deborah A. Skakel